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July 2, 2024

VIA ECF

Hon. Edgardo Ramos
Thurgood Marshall U.S. Courthouse
40 Foley Square, Courtroom 619
New York, NY 10007

Re: *SecurityScorecard, Inc. v. Safe Securities, Inc.*, Case No.: 1:24-cv-04240-ER

Dear Judge Ramos:

We write on behalf of Plaintiff SecurityScorecard, Inc. (“SSC”) in the above-referenced matter to address several points raised in the letter filed today by Defendants Mary Polyakova and Defendant Safe Securities, Inc *d/b/a* Safe Security (“SAFE”, collectively “Defendants”).

Defendants ask the Court to bless their “head in the sand” approach to locating any copies extant of the Lists.¹ Apparently, Defendants think they need not make any “reasonable inquiry” of their own clients to make sure all copies of the lists are found — and destroyed. Such inquiries should be a matter of routine, however, and are hardly burdensome.

As for any forensic evidence currently held by Digital Mountain, that information can surely be transferred to SAFE’s counsel at Goodwin Procter. Notably, Goodwin nowhere says it lacks the ability to host such materials and, like Pillsbury, we assume they can readily do so.

The copies of the Lists that SSC filed with the Court were all filed under seal. *See* Dkts. 14, 14-1, and 14-2. The suggestion by Defendants that SSC filed the Lists “without . . . restrictions” (Dkt. 65 at 3) is thus incorrect.

With respect to our proposed contempt provision, SSC is simply confirming its right to apply to the Court for a contempt finding if Defendants’ representations here are untrue. As always, it will be up to the Court to determine if a contempt finding is indeed warranted.

¹ Undefined capitalized terms herein have the same meaning as in SSC’s letter filed earlier today at Dkt. 63.

July 2, 2024
Page 2

Respectfully submitted,

/s/ Kenneth W. Taber
Kenneth W. Taber

cc: All Counsel of Record